

IN THE DRAWINGS:

Please amend the drawings as indicated on the attached
"Replacement Sheet" to change "6'" to "6" in Fig. 2.

REMARKS

Reconsideration of this patent application is respectfully requested, in view of the foregoing amendments, and the following remarks.

The amendments to this patent application are as follows. The title of the present patent application is being amended to read as suggested on Page 2 of the Office Action, as follows:

"Foldable Capsular Equatorial Stabilizer Ring."

The drawings are being amended in Fig. 2 in order to change the objected to reference numeral "6'" to the acceptable reference numeral "6." A "Replacement Sheet" of drawings is attached hereto.

There was also an objection on Page 2 of the Office Action to the reference numeral "8" in Fig. 2. In response to this objection, it is respectfully pointed out that reference numeral "8" is mentioned on Page 10 in line 16 of the present Specification. Therein reference numeral "8" denotes the "lateral transition zone."

On Page 2 of the Office Action, claim 7 was objected to because "HEMA/MMA" needs a space after it.

In response to this objection, claim 7 was amended to provide the required spacing between the wording.

For all these reasons, it is firmly believed that the Specification, the drawings, and the claims are now in complete compliance with all of the formal requirements of 35 U.S.C. 112. Withdrawal of these objections is respectfully requested.

The Applicants comment upon the prior art rejections of the claims as follows.

On Page 3 of the Office Action, the Patent Examiner has rejected claims 1, 3-7, and 11 under 35 U.S.C. 102(e) as being anticipated by *Paul et al (U.S. Publication No. 2004/0111151)*.

On Page 5 of the Office Action, the Patent Examiner has rejected claims 2, and 8-9 under 35 U.S.C. 103 as being unpatentable over *Paul et al* in view of *Ghazizadeh et al (U.S. Publication No. 2003/0109925)*.

On Page 6 of the Office Action, the Patent Examiner has rejected claim 10 under 35 U.S.C. 103(a) as being unpatentable over *Paul et al* as applied to claim 1 above, and further in view of *McNicholas* (U.S. Publication No. 2004/0039446).

The present invention is directed to a capsular equatorial ring (5) which, after the removal of a natural lens, can be implanted in the opened capsular bag (3) of an eye and, when implanted, rests with its outer periphery against the inside of the capsular bag (3), essentially on the equator thereof, and radially stabilizes the capsular bag (3), wherein the capsular equatorial ring (5) is closed and has a number of foldable and/or creasable segments (7) and stiff segments (6) that are arranged alternately in the peripheral direction.

More particularly, the present invention relates to a foldable ring that serves to stabilize and stretch the equator of a capsule sac in the eye. This facilitates implantation of an intraocular lens; in particular, an optimal seat of the artificial lens can be achieved in this manner. With regard to

the technological background, it should be noted, in this connection, that there are fundamentally two types of intraocular lenses. On the one hand, there are "hard" intraocular lenses, which have a comparatively small diameter and are held, i.e. supported on the equator of the capsule sac with haptic elements disposed on the lens.

On the other hand, soft intraocular lenses having a relatively large diameter have become known. These lenses can be folded relatively easily, and are pushed into the capsule sac in the folded state, where they then unfold and assume their optimal position, in which the lens edge is adjacent to the equator of the capsule sac. The ring according to the invention is particularly advantageous for such soft lenses. For the hard intraocular lenses that have haptic elements, which were presented initially, such a ring is less important, because the capsule sac is also stretched by the haptic elements. Nevertheless, rings according to the invention can also be combined with hard intraocular lenses that have haptic elements.

The uniqueness of the present invention now lies in the fact that the ring according to the invention is configured as a closed ring and consists of rigid and foldable ring segments that follow one another alternately in the circumference direction of the ring. In this way, for one thing, the result is achieved that the ring can be folded or deformed in oval shape relatively easily, so that the ring can be inserted into the capsule sac through very small operation openings. On the other hand, a relatively great stretching force can nevertheless be achieved, so that the equator of the capsule sac is stabilized and stretched well.

The prior art cited by the Patent Examiner shows nothing comparable to the claimed invention.

US 2004/0111151 A1 (Paul et al.) shows, as is evident from the Abstract, a hard intraocular lens that can be combined with different types of haptic elements. These haptic elements can particularly be a relatively rigid or resilient ring, which is connected with the lens by way of radial arms or spokes, or by

way of a flexible ring disk (cf. Fig. 2). The radial spokes can have hinge-like parts (222), at which the spokes can be bent.

This teaching in *Paul* fails to disclose the claimed invention. In particular, a ring that consists alternately of rigid and foldable ring segments is not stated or suggested at any point in *Paul*.

US 2003/0109925 A1 (*Ghazizadeh et al.*) shows a special haptic assembly for intraocular lenses. This haptic assembly is supposed to offer the possibility of moving the intraocular lens axially within the eye, in other words in the direction of the lens axis. These movements are supposed to be controlled by means of the ciliary musculature, which engages on the outside, at the equator of the lens capsule. A ring for stretching the capsule sac is not described at any point. The ring 80 shown in Fig. 8 merely serves to produce parts of the haptic assembly, according to paragraph [0062].

Thus, *Ghazizadeh et al* fails to teach or to suggest the claimed invention.

US 2004/0039446 A1 (McNicholas) also fails to teach or to suggest the claimed invention. This reference discloses a ring that is supposed to interact with haptic elements (16, 17) of an intraocular lens. The ring does not serve to stretch the capsule sac. Instead, according to paragraph [0023], the ring possesses a clearly smaller diameter than the capsule sac, whereby positioning elements 35 to 38 are disposed on the outside circumference of the ring, with which elements the ring is held in place in the capsule sac. An axial movement of the intraocular lens is supposed to be achieved by means of movements of the ciliary musculature of the capsule sac, and the ring shown is supposed to have a supportive effect. However, this has nothing to do with the ring according to the invention, which serves to stretch the capsule sac.

In particular, US 2003/0109925 A1 and US 2004/0039446 A1 do not give any kind of indication concerning a ring that serves to stretch the capsule sac, and is composed of circumferential segments having different hardness, which follow one another

alternately in the circumference direction of the ring.

In conclusion, none of the prior art references provides an identical disclosure of the claimed invention. Hence, the present invention is not anticipated under 35 U.S.C. 102, but is patentable under 35 U.S.C. 103, over all the prior art applied by the Patent Examiner.

Withdrawal of these grounds of rejection is respectfully requested.

A prompt notification of allowability is respectfully requested.

Respectfully submitted,

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Enclosures: 1. Petition for One Month Extension of Time (Small Entity)
2. "Replacement Sheet" Drawing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 23, 2009.



Amy Klein